

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 45-46, 48-56, 58-65, 67-75, and 77-84 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 47, 57, 66, and 76 are canceled.

Claims 45-84 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu (U.S. Patent No. 5,785,598). Applicants have amended each of the independent claims to include features that more clearly and specifically define the present invention over the Hsu reference.

A major distinguishing feature of the present invention is the presence of a booting program, which is located permanently and invariably in the information processing apparatus. The information processing apparatus includes a non-removable data storage for storing the booting program along with data accessible by the booting program.

Accordingly, even if a removable storage medium, such as the memory card 3 or portable electronic device 400 is not inserted into the information processing apparatus, the apparatus is

still capable of executing a boot sequence based on the booting program and invariable boot data which are stored in the ROM 13, 354 of the apparatus.

This feature is not disclosed or suggested by Hsu. On the contrary, according to Hsu and as acknowledged by the Examiner, Hsu's boot sequence is primarily governed by data and programs contained on the first ROM 21 disposed in the main removable game cartridge 200, 200a, 200b, with the capability of being supplemented and enhanced by data contained on the ROM 22 provided in the add-on game cartridge 300, 300a, 300b.

Thus, a major difference in the apparatus of Hsu is that any booting sequence performed by the apparatus depends on the insertion and presence of a removable game cartridge (i.e., at least the main software cartridge 200, 200a, 200b). The cited reference provides no indication that the game console 10 is capable of executing a boot sequence. That is, as noted in Applicant's previous Amendment, as far as the game console 10 itself is concerned, Hsu simply discloses a BIOS ROM having a BIOS program code capable of loading and executing information and data from the game cartridges (the primary cartridge and/or the add-on cartridge). In the absence of any game cartridge, however, the game console 10 itself simply does not operate.

By contrast, the removable recording medium (i.e., the memory card 3 or portable electronic device 400) according to the claimed invention serves a different function altogether, for enabling different startup image display data and/or a different startup image display program, to be received and used when the removable recording medium is inserted into the main information processing apparatus (i.e., video game apparatus 301). However, it is also the case that the information processing apparatus itself contains a functional and invariable booting program, that is always resident in the ROM 13 (or ROM 354), providing a startup image display

program that will be executed by a boot sequence when the video game apparatus 301 is started up, independent of the presence of the removable recording medium.

However, when the removable recording medium (the memory card 3 or portable electronic device 400) is present, the information processing apparatus is capable of accessing variable boot data from the recording medium, which can introduce a variety of new elements into the startup image, including, for example, additional startup image data or a different startup image display program that can be executed by being transmitted to the apparatus working memory 353.

Thus, unlike Hsu, according to the claimed invention, the apparatus is capable of selectively using the boot program and boot data contained internally and invariable in the information processing apparatus itself, or alternatively, when the removable recording medium is present, to use the boot data and/or image display program transmitted from the removable recording medium.

In summary, since Hsu completely lacks the feature of an internal non-variable booting program, that is provided in the game console independent of the game cartridges, clearly the features of the claimed invention cannot have been disclosed or suggest by the cited reference. Secondly, although Hsu might suggest the possibility of varying a boot sequence depending on data contained in one or two removable cartridges, there clearly is no suggestion for selectively using invariable boot data contained in a ROM of the information processing apparatus per se and/or data contained in a removable storage medium.

Therefore, for at least these reasons, Hsu fails to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension of time fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMERM LAWRENCE & HAUG LLP

By:   
Darren M. Simon  
Reg. No. 47,946  
(212) 588-0800